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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,175	02/20/2001	Shigeru Fujita	024304-00000	2341

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/785,175		FUJITA, SHIGERU	
	Examiner		Art Unit	
	Dohm Chankong		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/26/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks, filed 8.10.2005.

Claims 1, 3 and 5 are amended. Claims 1-5 are presented for further examination.

2> This is a final rejection.

Response to Arguments

I. Response to Applicant's amendment and remarks

Applicant argues in substance that the primary art reference, Castor, does not teach certain limitations of claim 1. In particular, Applicant asserts that Castor teaches that computers execute applications and obtain results independently of each other and fails to teach a client executing an application installed in the client and returning results to a requesting client. Applicant has also amended claims to cite that applications are installed in the client. Applicant also asserts that there is no motivation to combine the references. Applicant's arguments have been fully considered but they are not persuasive. Additionally, Applicant's amendment does not overcome the prior art references. The Office submits that Castor teaches the limitations as claimed.

A. Castor teaches that applications are installed in the client

Applicant's amendment cites applications as installed in a client. Castor teaches executing processing of an application installed in the client [Figure 2 «item 64» | column 6 «lines 50-52»]. Castor teaches that a source computer submits a request to a destination computer (interpreted as a client operable in standalone fashion with server functionality).

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Castor further teaches that the request is submitted to the application installed within the destination computer for processing. Castor's teaching reads on the amended limitation.

B. Castor teaches the limitations of claim 1

As to the limitations of claim 1, Castor discloses a distributed processing system comprising a plurality of clients [Figures 1 and 2], wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein in response to requests issued by other clients [column 6 «lines 20-52»]. With respect to this cited passage, Castor expressly teaches that a source computer (client) submits a request to a destination computer (standalone client with server functionality) to utilize the processing ability of the destination computer. Castor additionally teaches that request is processed by the application installed in the destination computer [Figure 2 «item 64» | column 6 «lines 50-52»]. Further, Castor teaches outputting the results of the processing to said clients that issued the requests [column 7 «lines 24-26»]. Castor clearly teaches the limitations as claimed.

C. The motivation to combine the references comes from both the prior art and from common knowledge in the art

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale...may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347 (Fed. Cir. 1992).

Here, the motivation to combine the references comes from both the prior art and

from common knowledge in the art. With respect to the Castor-Lum combination, Lum discloses that the benefit of linking computers in series is to allow clients to be freely integrated with or removed from the system without the need for reconfiguring [column 2 «line 53-58»]. Additionally, Castor implicitly teaches linking the clients in series [Figure 1]. The figure shows the clients are linked to one another in a conventional serial manner. Thus, the motivation to combine Castor and Lum is to provide a means of integrating clients in a manner without the need for reconfiguring a system.

With respect to the Castor-Moderi combination, Castor teaches utilizing point-of-sale (POS) systems [column 4 «lines 48-61»], but did not expressly teach the functionality of product registration, search, transaction aggregation. However, it is clear to one of ordinary skill in the art that POS systems are capable of performing such tasks. To support this point, Moderi teaches the same POS systems taught by Castor as capable of performing at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration [column 13 «lines 19-46» | column 15 «line 19» to column 16 «line 40»]. Thus, it would have been obvious that Castor's POS systems would be capable of performing the functions of traditional POS systems as taught by Moderi.

II. Conclusion

For the aforementioned reasons, Applicant's arguments are not persuasive. The claim rejections set forth in the previous action are maintained.

Claim Rejections - 35 USC § 103

3> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4> Claims 1 and 3 are rejected under 35 U.S.C § 103(a) as being unpatentable over Castor et al, U.S Patent No. 5,590,288 ["Castor"] in view of Lum, U.S Patent No. 6,272,529.

5> As to claim 1, Castor teaches a distributed processing system comprising a plurality of clients, wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein [Figure 2 «items 62 and 64»] in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests [abstract | Figure 1 | column 2 «lines 62-67» | column 6 «lines 20-52» | column 7 «lines 21-26» | column 8 «lines 31-42»].

Castor's figures illustrate clients linked in series [Figure 1] does not explicitly teach that the clients are linked in series.

6> Lum teaches that clients in a distributed processing system can be linked in series [column 2 «lines 53-58» | column 5 «lines 31-36»]. Lum teaches that linking clients in a serial manner enable clients to be freely integrated or removed from the system without the need

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to reconfigure the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect Castor's clients in series so that the clients can be freely integrated and removed from the system without the need for reconfiguring or rebooting the system.

7> As to claim 3, Castor teaches a plurality of clients, wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein [Figure 2 «items 62, 64»] in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests [abstract | Figure 1 | abstract | Figure 1 | column 2 «lines 62-67» | column 6 «lines 20-52» | column 7 «lines 21-26» | column 8 «lines 31-42»].

Castor does not teach that the clients are linked in series.

8> Lum teaches that clients can be linked in series [column 2 «lines 53-58» | column 5 «lines 31-36»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect Castor's clients in series so that the clients can be freely integrated and removed from the system without the need for reconfiguring or rebooting the system [see Lum, column 2 «lines 53-58»].

9> Claims 2 and 4 are rejected under 35 U.S.C § 103(a) as being unpatentable over Castor and Lum as applied to claims 1 and 3 above, in further view of Moderi et al, U.S Patent No. 5,510,979 ["Moderi"].

10> As to claim 2, Castor does not specifically teach a distributed processing system wherein processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration.

11> Moderi teaches a distributed processing system wherein processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration [column 13 «lines 19-46» | column 15 «line 19» to column 16 «line 40»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Moderi's security and authentication functionality into Castor's distributed processing system so that employee identification information can be stored in a central location but accessed from multiple terminals.

12> As to claim 4, Castor does not specifically teach clients wherein processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax

aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration.

13> Moderi teaches clients wherein processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration [column 13 «lines 19-46» | column 15 «line 19» to column 16 «line 40»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Moderi's security and authentication functionality into Castor's clients so that employee identification information can be stored in a central client but accessed from multiple connected client.

14> Claim 5 is rejected under 35 U.S.C § 103(a) as being unpatentable over Nazari, U.S Patent No. 6.374.248, in view of Castor, in further view of Lum.

15> Nazari discloses a distributed processing system comprising:
at least one server [Figure 1 «item 122»].

Nazari also discloses wherein at least one client is operable in standalone fashion and has server functionality when the at least one server goes down. [column 4 «lines 21-29»], but does not explicitly disclose a plurality of clients linked in series, wherein the plurality of clients are linked to the at least one server, and wherein the standalone server executes

processing in response to requests issued by other clients and outputs the results of the processing to said clients that issued requests.

16> Castor discloses a plurality of clients, wherein the plurality of clients are linked to a server, and wherein one of said clients executes processing of application or applications installed therein [Figure 2 «item 64» | column 6 «lines 50-52»] in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests [column 2 «lines 62-67» | column 6 «lines 20-52» | column 7 «lines 21-26» | column 8 «lines 31-42»]. It would have been obvious to one of ordinary skill in the art to incorporate Castor's plurality of clients into Nazari's distributed file system. Such an implementation would provide well known advantages in the art such as enabling multiple clients access to the files in the storage device.

17> Lum teaches that clients in a distributed processing system can be linked in series [column 2 «lines 53-58» | column 5 «lines 31-36»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect Nazari and Castor's clients in series so that the clients can be freely integrated and removed from the system without the need for reconfiguring or rebooting the system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

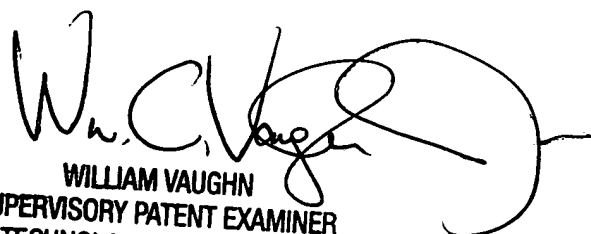
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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